

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

APR - 8 2011

REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL-RETURN RECEIPT REQUESTED

To Addressees (See Attached Mailing List)

Re: Riverside Avenue Site, Newark, Essex County, New Jersey
Request for Information Pursuant to the Comprehensive Environmental
Response, Compensation and Liability Act, 42 U.S.C. §9601 et seq.

Dear Sir/Madam:

This letter seeks your cooperation in providing information and documents relating to the contamination of the Riverside Avenue Site located at 1700-1712 & 1702-1716 McCarter Hwy also known as 29 Riverside Avenue, (Block, 614, Lots 63,64), Newark, Essex County, New Jersey (the "Site"). The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9601, et seq. (also known as the "Superfund" law). For your information, a copy of the Superfund law may be found at www.epa.gov/superfund/action/law/index.htm.

EPA has documented the release and threatened release of hazardous substances into the environment at the Site. EPA is conducting a cleanup action addressing the release and threat of release of hazardous substances, pollutants, or contaminants at the Site. This cleanup is being conducted pursuant to our authorities under the federal Superfund law.

EPA has reason to believe that material from your company may have been transported to and, possibly, disposed of at the Site.

Under Section 104(e) (2) of CERCLA, 42 U.S.C. Section 9604(e) (2), EPA has broad information gathering authority which allows EPA to require persons to provide information and/or documents relating to the materials generated, treated, stored, or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to the attached Request for Information to EPA **within thirty (30) calendar days of your receipt of this letter.**

While EPA seeks your cooperation in this investigation, your compliance with the attached Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with a Request for Information.

Some of the information EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included in the attached information request, including the requirement of supporting your claim of confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the material stored at the Site, that information should be submitted within the time frame noted above.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our Request for Information, it is necessary that you promptly notify EPA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.

Your response to this Request for Information should be mailed to:

William J. Reilly, Jr.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, New York 10007-1866

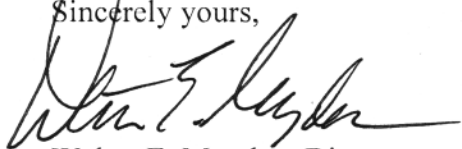
A copy of your reply should be sent to:

Marissa Truono
Removal Action Branch
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue, Bldg 209
Edison, New Jersey 08837

If you have any questions regarding the Request for Information, or would like to discuss this matter with EPA, you may call Ms. Truono at 732-321-4460. Please direct all inquiries from an attorney to Mr. Reilly at (212) 637-3154.

We appreciate and look forward to your prompt response to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Walter E. Mugdan", written over the "Sincerely yours," text.

Walter E. Mugdan, Director
Emergency and Remedial Response Division

Enclosures

ATTACHMENT A

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

DIRECTIONS

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Request for Information. For each question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees and/or agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Request for Information. Whenever in this Request for Information there is a request to identify a natural person or an entity other than a natural person, state, among other things, the person or entity's full name and present or last known address.
4. Identify Sources of Answers. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Inability to Answer or Provide Documents. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and telephone number and the reasons for your belief.
6. Documents. If anything is deleted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the deletion. If a document is requested but is not available, state the reason for its unavailability.
7. Continuing Obligation to Provide and to Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA.
8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You

may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and Section 3007(b) of RCA, 42 U.S.C. § 6927(b), and 40 C.F.R. Part 2.203(b). To prove your claim of confidentiality, each document must separately address the following points:

- a. the portions of the information alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would be likely to result in substantial harmful effect on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects

To make a confidentiality claim, please stamp or type "CONFIDENTIAL" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit in separate envelopes both a clean and a redacted version of any documents or response for which you make a claim of confidentiality.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

9. Disclosure to EPA Contractor. Information which you submit in response to this Request for Information may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. Part 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Request for Information to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Request for Information. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Request for Information.

10. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
11. Objections to Questions. If you have objections to some or all the questions within the Request for Information letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words insofar as they appear in this Request for Information.

1. The terms "you," "yours," and "Respondent" shall mean the addressee of this Request and shall include the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns or agents.
2. The terms "your Company" or "Company" shall mean your company as it is currently named and constituted and all predecessors in interest of your company and all subsidiaries, divisions, affiliates and branches of your company or of its predecessors.
3. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
4. The term "Site" shall mean the Riverside Avenue Site which includes property and buildings numbered 7/8 and 12 located at 1700-1712 & 1702-1716 McCarter Hwy also known as 29 Riverside Avenue (Block 614, Lots 63,64), Newark, Essex County, New Jersey.
5. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
6. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances. The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 C.F.R. Part 302
7. The term "industrial waste" shall mean any solid, liquid, or sludge or any mixtures thereof which possess any of the following characteristics:

- a. it contains one or more hazardous substances (at any concentration);
 - b. it is a hazardous waste;
 - c. it has a pH less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it easily ignites or explodes;
 - g. it is an industrial waste product;
 - h. it is radioactive;
 - i. it is an industrial treatment plant sludge or supernatant;
 - j. it is an industrial byproduct having some market value;
 - k. it is coolant water or blowdown waste from a coolant system;
 - l. it is a spent product which could be reused after rehabilitation; or
 - m. it is any material which you have reason to believe would be toxic if either ingested, inhaled, or placed in contact with skin.
8. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
 9. The term "entity" or "entities" refers to persons, individuals, companies, partnerships, or any other type of business association.
 10. The term "documents" or "document" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
 11. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
 12. The terms "material" or "materials" mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
 13. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
 14. The term "pollutant or contaminant" includes, but is not limited to, any element, substance, compound, or mixture, including disease-causing agents.
 15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

16. The term "record" or records" shall mean any tangible item or any electronic storage device containing any information of any type, including any book, paper, microfilm card, map, photograph, machine-readable material, digital or magnetic storage device, or any document, regardless of physical form or characteristic.

ATTACHMENT B

REQUEST FOR INFORMATION

Answer the following questions with regard to the property and buildings numbered 7/8 and 12 located at 1700-1712 & 1702-1716 McCarter Hwy also known as 29 Riverside Avenue (Block 614, Lots 63,64), Newark, Essex County, New Jersey (the "Site"). For each response be specific as the building number(s) and/or the Block and Lot number(s) whenever possible.

A. Questions

1. Answer the following questions regarding your Company. In identifying a company that no longer exists, provide all the information requested, except for the agent for service of process. If your Company did business under more than one name, list each name.
 - a. State the correct legal name and mailing address of your Company.
 - b. State the name and address of the president or the chairman of the board, or other presiding officers of your Company.
 - c. Identify the State and year of incorporation of your Company and your Company's agent for service of process in the state of incorporation and in New Jersey.
 - d. If your Company is a subsidiary or affiliate of another Company, or has subsidiaries, or is a successor to another Company, identify these related companies. For each related Company, describe the relationship to your Company and indicate the date and manner in which each relationship was established.
- 2.a. During the period from January 1, 1970 to December 31, 1999, did your Company ever enter into any transaction(s), including any contract(s), with any of the following persons/companies pursuant to which your Company provided any drums, containers or industrial waste to any of the persons/companies named below? (Please provide a Yes or No answer as to each):
 1. Universal International Industries, Inc.
 2. Jobar Industries, Inc.
 3. Jobar Packaging, Inc.
 4. Frey Industries, Inc.
 5. Mr. Tilghman Frey
- 2.b. During the period from January 1, 1970 to December 31, 1999, did any of the following companies ever remove any industrial waste from any facility which was ever owned or operated by your Company? (Please provide a Yes or No answer as to each company below):
 1. Universal International Industries, Inc.
 2. Jobar Industries, Inc.

3. Jobar Packaging, Inc.
4. Frey Industries, Inc.

2.c. During the period from January 1, 1970 to December 31, 1999, did any of the following companies ever remove any drums or containers having in it any product, off-spec product or any liquids, solids or sludges from any facility which was owned or operated by your Company? (Please provide a Yes or No answer as to each company below):

1. Universal International Industries, Inc.
2. Jobar Industries, Inc.
3. Jobar Packaging, Inc.
4. Frey Industries, Inc.

2.d. During the period from January 1, 1970 to December 31, 1999, did your Company ever arrange with any of the following companies to remove or receive or store i) any drums, packages, tanks or containers or ii) any product or off-spec product or iii) liquids, solids or sludges that originated at any facility which was owned or operated by your Company? (Please provide a Yes or No answer as to each company below):

1. Universal International Industries, Inc.
2. Jobar Industries, Inc.
3. Jobar Packaging, Inc.
4. Frey Industries, Inc.

For every Yes answer provided in response to question noted in 2.c. through 2.d., above, provide the basis for responding Yes to the question and the following, as applicable: a) the times, dates and facilities and person(s) involved and b) the nature, quantity and chemical composition of the material which was transported from your Company to the Site.

3. Do you have any reason to believe that any of the following may have been transported from any facility which was ever owned and/or operated by your Company and later taken to the Site:

- a. any hazardous substance?
- b. any liquids, solids or sludge?
- c. any solid waste of any type?
- d. anything which was to be stored or treated and later returned to your Company?
- e. any product or off-spec product which was to be treated and later returned to your Company or shipped to a third party on behalf of your Company?
- f. any containers, regardless of contents or lack thereof?
- g. any drums, regardless of contents or lack thereof?

Please provide a separate Yes or No answer to questions 3.a. through 3.g, above. For each Yes answer, please provide the specific basis for your answer, including the materials that you believe may have been transported from your Company to the Site, including chemical characterization,

quantities (by volume and/or weight), number of drums or containers etc., the facility from which the material was removed, the hazardous substances in such materials, the personnel and/or haulers involved in each such shipment, the dates of such shipments and all records relating to such shipments.

4. Do you have any reason to believe that any of the following companies may have taken any industrial waste or any hazardous substance from any facility which was ever owned and/or operated by your Company and that such industrial waste or hazardous substance may have been transported to and/or disposed of at the Site:
 - a. Universal International Industries, Inc.
 - b. Jobar Industries, Inc.
 - c. Jobar Packaging, Inc.
 - d. Frey Industries, Inc.

Please provide a separate Yes or No answer to each of the items, 4.a through 4.d, above. For each Yes answer, please provide the specific basis for your answer, including the materials that you believe may have been transported from your Company to the Site, including chemical characterization, quantities (by volume and/or weight), number of drums or containers etc., the facility from which the material was removed, the hazardous substances in such materials, the personnel and/or haulers involved in each such shipment, the dates of such shipments and all records relating to such shipments.

5. Do you have any reason to believe that any materials, including any hazardous substances, or any drum or containers of any type may have been removed from any facility which was ever owned and/or operated by your Company and transported to and/or disposed of at the Site?
6. Identify each individual who assisted or was consulted or who answered on your behalf or on behalf of the Company in the preparation of its response to this Request for Information and specify the question with which each person assisted in responding.

B. Request for Records:

7. Please provide copies of all the following which are in the custody or control of your Company:
 - a. Every record indicating any transaction, communication, or business dealing with Mr. Tilghman Frey.
 - b. Every record indicating any transaction, communication, or business dealing of any type with Frey Industries, Inc.
 - c. Every record indicating any transaction, communication, or business dealing of any type with Jobar Industries, Inc.
 - d. Every record indicating any transaction, communication, or business dealing of any type with Universal International Industries, Inc.

- e. Every record indicating any transaction, communication, or business dealing of any type with Riverside Avenue Properties.
- f. Every record indicating any transaction, communication, or business dealing of any type with Merit Enterprises, Inc.
- g. Every record indicating any transaction, communication, or business dealing of any type with Industrial Development Corporation.
- h. Every record indicating any transaction, communication, or business dealing of any type with Industrial Development Association.
- g. Every record relating to any drums, containers or waste material that your Company has any reason to believe may have been taken by anyone (during the time period from January 1, 1970 to December 31, 1990) from any facility that your Company ever owned or operated which later entered the Site.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this
day of _____, 2011

Notary Public

Mailing List

Ashland Inc.
50 E. RiverCenter Blvd
P.O. Box 391
Covington, KY 41012-0391
Attn: Chief Executive Officer

BASF Corporation
25 Middlesex/Essex Turnpike
Iselin, NJ 08830-0770
Attn: Chief Executive Officer

BASF Corporation
100 Campus Drive
Florham Park, NJ 07932-1089
Attn: Dave White

Baron -Blakeslee
2900 MacArthur Blvd.
Northbrook, IL 60062
Attn: Chief Executive Officer

BP North America (formerly known as ARCO)
281000 Torch Pkwy, Ste. 300
Warrenville, IL 60555
Attn: Robert Dudley, CEO

Chemtura Corporation (formerly known as Sherex/Witco)
1818 Market Street, Ste. 3700
Philadelphia, PA 19103
Attn: Robert L. Wood, CEO

Dow Chemical
2030 Dow Center
Midland, MI 48674
Attn: Andrew Liveris, CEO

General Electric
3135 Easton Turnpike
Fairfield, CT 06828
Attn: Jeffrey Immelt, CEO

Mailing List-continued

Hoffman-LaRoche, Inc
340 Kingsland Street
Nutley, NJ 07110
Attn: Ivor Macleod, CFO

Mobay Chemical Corporation
414 Avenue P, 415
Newark, NY 07105-4802
Attn: Chief Executive Officer

Monsanto Company
800 North Lindbergh Boulevard
St. Louis, Missouri 63167
Attn: Chief Executive Officer

Olin Corp.
190 Carondelet Plaza, Ste 1530
Clayton, MO 63105
Attn: Joseph Rupp, CEO

Union Carbide Corp
1254 Enclave Pkwy
Houston, TX 77077
Attn: Patrick Gottschalk, President